

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON DIVISION

Nancy Denise Hawkins, )  
Plaintiff, ) Civil Action No. 8:08-3233-HMH-WMC  
vs. ) **REPORT OF MAGISTRATE JUDGE**  
Michael D. Kingsmore, )  
President, Palmetto Finishing, )  
Defendant. )  
\_\_\_\_\_  
)

The plaintiff, proceeding *pro se*, alleges violation of her civil rights due to sex discrimination pursuant to Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §§ 2000 *et seq.*).

Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(A) and Local Civil Rule 73.02(B)(2)(e) D.S.C., all pretrial matters in cases involving *pro se* litigants are referred to a United States Magistrate Judge for consideration.

The plaintiff brought this action on September 23, 2008. On December 23, 2008, the defendant filed his answer with counterclaims against the plaintiff. By motion filed February 27, 2009, the plaintiff now moves for voluntary dismissal of her complaint. The defendant does not object to the dismissal of all claims and counterclaims, with prejudice.

The court notes that the defendant consents to a dismissal with prejudice; however, it is the opinion of this court that a dismissal without prejudice is more appropriate in this case. See Fed.R.Civ.P. 41(a). Wherefore, it is recommended that the plaintiff's motion be granted and this case be dismissed without prejudice.

March 4, 2009  
Greenville, South Carolina

s/William M. Catoe  
United States Magistrate Judge